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By: _____

Sarah M. Barnett



**RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE REQUESTED
EXAMINING GROUP 1623**

PATENT

Customer No. 22,852

Attorney Docket No. 07579.0001-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|-------------------------------------|---|----------------------------|
| In re Reissue Application of: |) | |
| |) | |
| Graham Edmund KELLY |) | Group Art Unit: 1623 |
| |) | |
| Reissue Application No.: 09/602,191 |) | Examiner: Patrick T. Lewis |
| |) | |
| U.S. Patent No.: 5,830,887 |) | Confirmation No. 8264 |
| |) | |
| Filed: June 22, 2000 |) | |
| |) | |
| For: HEALTH SUPPLEMENTS |) | |
| CONTAINING PHYTO- |) | |
| OESTROGENS, ANALOGUES |) | |
| OR METABOLITES THEREOF |) | |

MAIL STOP AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

RESUBMISSION OF DOCUMENTS

**ORIGINALLY CITED IN MARCH 17, 2004, INFORMATION DISCLOSURE
STATEMENT AND UPDATE OF CO-PENDING APPLICATION INFORMATION**

Applicant resubmits eleven declarations obtained from an opposition proceeding in Australia and New Zealand for a related case. These documents were originally submitted on March 17, 2004; however, the Examiner did not initial that the documents were considered. Applicant respectfully requests the Examiner to consider these documents and indicate that they

were considered by making the appropriate notations on the attached form. Although the eleven declarations were previously submitted on March 17, 2004, Applicants provide courtesy copies herewith to facilitate the Examiner's review.

Also as a courtesy to the Examiner, Applicant hereby updates the cross-reference table, previously submitted on September 19, 2003, with the patent and publication numbers for the following related U.S. patents and co-pending U.S. patent publications:

US 2004/0170713 A1 to Kelly (published June 3, 2004);

US 6,987,098 B2 to Kelly (issued January 17, 2006); and

US 7,045,155 B2 to Kelly (issued May 16, 2006).

This resubmission does not represent that a search has been made or that better art exists. It does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the claimed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

It is believed no fees are due with this submission. Should any fees be required to enter this Resubmission, Applicant hereby requests that any additional required fees be charged to Deposit Account No. 06-0916.

Respectfully submitted,
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: August 25, 2006

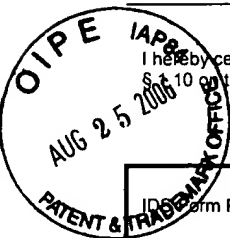
By: Elisabeth Barek
Elisabeth Jaffe Barek
Reg. No. 46,797
Customer No. 22,852

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August 25, 2006

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Date of Deposit



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By: _____

Sarah M. Barnett

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|---|---|----|---|--------------------------|--|
| ID Form PTO/SB/08: Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary) | | | | Complete if Known | |
| Application Number | | | | 09/602,191 | |
| Filing Date | | | | June 22, 2000 | |
| First Named Inventor | | | | Graham Edmund KELLY | |
| Art Unit | | | | 1623 | |
| Examiner Name | | | | Patrick T. LEWIS | |
| Attorney Docket Number | | | | 07579.0001-00000 | |
| Sheet | 1 | of | 1 | | |

| U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS | | | | | |
|---|----------|--|---|---|---|
| Examiner Initials* | Cite No. | Document Number Number-Kind Code (if known) | Issue or Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | | | | | |
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| FOREIGN PATENT DOCUMENTS | | | | | | |
|--------------------------|----------|---|--------------------------------|---|---|-------------|
| Examiner Initials* | Cite No. | Foreign Patent Document Country Code Number Kind Code (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | Translation |
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| NON PATENT LITERATURE DOCUMENTS | | | |
|---------------------------------|----------|---|-------------|
| Examiner Initials* | Cite No. | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translation |
| | | Statutory Declaration of Fiona Bathgate, declared March 24, 1998, 4 pages. | |
| | | Statutory Declaration of Fiona Bathgate (Amended), declared October 26, 1998, 2 pages. | |
| | | Statutory Declaration of Nancy Beckham, declared September 8, 1998, 20 pages. | |
| | | Statutory Declaration of Kerry Martin Bone, declared October 5, 1998, 31 pages. | |
| | | Statutory Declaration of Jennifer Carpinelli, declared October 21, 1998, 2 pages. | |
| | | Statutory Declaration of G. Clements, declared January 27, 1999, 2 pages. | |
| | | Statutory Declaration of Julie Hill, declared April 4, 1998, 2 pages. | |
| | | Statutory Declaration of Norbert Krause, declared November 5, 1998, 23 pages. | |
| | | Statutory Declaration of Ngaire Petit-Young, declared November 5, 1998, 3 pages. | |
| | | Statutory Declaration of Hubert Regtop, declared November 24, 1998, 53 pages. | |
| | | Statutory Declaration of Joseph Nicolas Van Haaster, declared January 26, 1999, including Exhibit "JNVH-1," 20 pages. | |
| | | | |

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|--------------------|--|-----------------|--|
| Examiner Signature | | Date Considered | |
|--------------------|--|-----------------|--|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.